

Comments on 12/9/99 NPRM 49 CFR 40
(64 FR 69076-69136)

Docket Clerk,
Attn: Docket No. OST-99-6578
Department of Transportation
400 7th Street, SW
Room PL401
Washington, DC, 20590

<http://dms.dot.gov/submit/>.

From: Healthcomp Evaluation Services Corporation, a third party administrator of drug/alcohol testing services to over 10,000 companies and government entities in all fifty states and several foreign nations.

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§ 40.97 . This section requires a laboratory to transmit laboratory results directly, and only, to the MRO, and not through a consortium. However, many MROs today do not have the staff or the electronic capability of receiving, processing and transmitting results to their clients. If, in fact, the consortium or other third party acts only as an electronic “hub” for the MRO, and does not intercept the results, it would allow for the efficient and timely delivery of test results without potential compromise. By adding the additional requirements for the MRO, it will increase, rather than decrease the processing time and significantly increase the overall cost of tests, ultimately resulting in fewer MROs providing services, most of who do so now while maintaining a medical practice.

§ 40.361 . Public Interest Exclusions. As currently written, Healthcomp Evaluation Services Corporation opposes the PIE inclusion. Through the PIE, DOT is proposing to make Service Agents subject to sanctions when sanctions are deemed necessary by a panel, yet to be appointed, but one that would consist solely of federal personnel. DOT has a mandate through Congress to provide that transportation systems are safe for use by the general public. In order for DOT to impose regulatory authority upon currently non-regulated entities (TPAs/Consortia), DOT has to prove that the current system as it exists is broken and that TPAs/Consortia are in violation of existing regulations. In order to prove this case, DOT needs to show that errors by TPAs/Consortia have been so significant as to impede the efficacy of the

regulations and thus warrant the imposition of new procedures. DOT has not shown that impediment and therefore the PIE section should not be included.